

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Daniel R. Muccio,

Civil No. 06-2521 (RHK/AJB)

Petitioner,

**ORDER**

v.

Warden R.L. Morrison,

Respondent.

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Based upon the Report and Recommendation by United States Magistrate Judge Arthur J. Boylan dated July 21, 2006, with all the files and records, and no objections having been filed to said Recommendation, **IT IS HEREBY ORDERED:**

1. The Report and Recommendation (Doc. No. 6) is **ADOPTED**; and
2. Petitioner Daniel R. Muccio's Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (Doc. No. 1) is **GRANTED IN PART AND DENIED IN PART**. The petition is granted to the extent Mr. Muccio requests a halfway house eligibility determination without regard to 28 C.F.R. §§ 570.20 and 570.21. The petition is denied to the extent petitioner seeks immediate determination of his halfway house eligibility date or home confinement eligibility. The BOP is not required to conduct immediate eligibility review but rather shall conduct its review 11 to 13 months before the inmate's projected release date, pursuant to policy set forth in

Program Statement 7310.04, page 7, Community Corrections Center (CCC) Utilization and Transfer Procedures which is already in effect.

Dated: August 14, 2006

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge